

RH * Great Brit. - Geo. II 41
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ACT for Selling divers Lands and Hereditaments in London, Middlesex, Surry, Berkshire, and Northamptonshire, devised by the Wills of Bartholomew Clarke and Hitch Younge, Esquires, and for Laying out the Money arising by such Sale in the Purchase of other Lands and Hereditaments, to be settled in lieu thereof, to the Uses of the said Wills respectively.

Whereas Bartholomew Clarke, late of London, Merchant, made his last Will and Testament, in Writing, bearing Date the Third Day of November One thousand Seven hundred and Forty-two, and thereby, amongst other Things, gave and devised all and singular his Messuages, Farms, Lands, and Hereditaments, situate and being in the Parish of Cookham, or elsewhere, in the County of Berks; and also all that Messuage or Tenement, known by the Name of the Mitre Tavern, situate in or near Fleet-street, in the Parish of St. Dunstan in the West, London, with the Passage to the same through Mitre-court, and all those Two Messuages or Tenements in the same Court, and near to the said Passage; and also all that Messuage or Tenement, known by the Name of the Half-Moon Tavern, situate in the Strand, in the County of Middlesex, with all the Rights, Members, and Appurtenances, to or with the said Messuages or Tenements, Lands, and Hereditaments respectively, and to or with every or any of them, belonging, used, or enjoyed, unto and to the Use of his Wife Mary Clarke, for her Life; and from and after her Decease, unto and to the Use of his Grandson William Bouverie, the eldest Son of his late Daughter Dame Mary Bouverie, by Sir Jacob Bouverie, Baronet, now the Right Honourable Jacob Lord Viscount Folkestone, for his Life, without Impeachment of Waste; Remainder to William Snell therein named, and his Heirs, during the Life of the said William Bouverie, in Trust to preserve the contingent Remainders; and from and after the Death of the said William Bouverie, to his First and every other Son lawfully begotten, successively, in Tail Male; Remainder to his Grandson Edward Bouverie, for his Life, without Impeachment of Waste, with the like Provision for preserving the contingent Remainders; and after the Decease of the said Edward Bouverie, to the First and every other Son of his Body lawfully issuing successively, in Tail Male; and in Default of such Issue, to all and every the Daughters of the said William Bouverie lawfully to be begotten, equally to be divided between them, in case there should be more than One, as Tenants in

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common, and not as Joint-tenants, and to the Heirs of their several and respective Bodies; and in case One or more of such Daughters should die without Issue, then the Part of her or them, so dying without Issue, should go to the Use of the others of such Daughters, equally to be divided between them, in case there should be more than One, Share and Share alike, as Tenants in common, and to the Heirs of their several and respective Bodies; and in case all such Daughters should die without Issue (save One), or his said Grandson *William* should have but One Daughter, then to the Use of such only Daughter, and the Heirs of her Body; and in Default of such Issue, to all and every the Daughters of his said Grandson *Edward Bouverie*, lawfully to be begotten, to be equally divided between them, if more than One, as Tenants in common, and not as Joint-tenants, and to the Heirs of their several and respective Bodies, with such Cross Remainders over, in case of the Death and Failure of Issue of any of the said Daughters, for the Benefit of the others and other of them, and the Heirs of their respective Bodies; and in Default of such Issue, unto his Four Grand-daughters, *Ann, Mary, Charlotte, and Harriott Bouverie*, Daughters of his said late Daughter by the said *Jacob Lord Viscount Folkestone*, to be equally divided between them, to take as Tenants in common, and not as Joint-tenants, and to the Heirs of their several and respective Bodies, with such Cross Remainders as aforesaid; and in Default of such Issue, to his own right Heirs: In which said Will is contained a Power, that it should be lawful for each and every of the Persons, to whom he had devised any Part of his Estates for his, her, or their, Life or Lives, when and as he, she, or they, should be in the Possession thereof, to demise or lease, by Indenture, all or any Part thereof, for any Term of Years, not exceeding Twenty-one Years, reserving and making payable, quarterly or half yearly, to go along with the Remainder or Reversion, the most improved Rent that could be obtained for the same, without taking any Fine or other Thing for the granting thereof; and so as no Lease be made punishable of Waste, and do contain a Covenant of Re-entry in case of Nonpayment of Rent; and so as the Lessors execute Counter-parts of such Leases:

And whereas the said *Bartholomew Clarke* the Testator died in the Year One thousand Seven hundred and Forty-six, and upon his Death the said Messuages, Lands, Tenements, Hereditaments, and Premises, so devised by the said Will, did, by virtue of and under the Limitations of the same Will, come unto and vest in the said *Mary Clarke* for her Life, with such Remainders over as aforesaid:

And whereas *Hitch Younge*, late of the City of *London*, Esquire, deceased, made his last Will and Testament, in Writing, bearing Date the Ninth Day of *June*, in the Year of our Lord One thousand Seven hundred and Forty-eight, and thereby, amongst other Things, devised all and every his Messuages, Farms, Lands, Tenements, and Hereditaments whatsoever, situate and being in the Parish of *Godalmin*, in the County of *Surry*, which he purchased of *Abel Walker*, Esquire, and his Trustee, with their respective Appurtenances; and also all that his Manor or Lordship of *Cold Ashby*, in the County of *Northampton*, with the Rights and Appurtenances thereof, and all and every his Messuages, Farms, Lands, Tenements, and Hereditaments,

ments, situate and being in *Cold Ashby* aforesaid, and in *Ellington*, in the said County of *Northampton*, with their respective Appurtenances, unto and to the Use of the said *William Bourverie*; for and during the Term of his natural Life, without Impeachment of Waste; Remainder to *William Snell* and *John Hood* therein named, and their Heirs, during the Life of the said *William Bourverie*, in Trust to preserve the contingent Remainders; and after the Death of the said *William Bourverie*, to his First and every other Son lawfully begotten successively, in Tail Male; Remainder to the said *Edward Bourverie* for his Life, without Impeachment of Waste, with the like Provision for preserving the contingent Remainders; and after the Decease of the said *Edward Bourverie*, to the First and every other Son of his Body lawfully issuing successively, in Tail Male; and in Default of such Issue, to all and every the Daughters of the said *William Bourverie*, lawfully to be begotten, equally to be divided between them, in case there should be more than One, as Tenants in common, and not as Joint-tenants, and to the Heirs of their respective Bodies; and in case One or more of such Daughters should die without Issue, then the Part of her or them, so dying without Issue, should go to the Use of the others of such Daughters, equally to be divided between them, in case there should be more than One, Share and Share alike, as Tenants in common, and not as Joint-tenants, and to the Heirs of their respective Bodies; and in case all such Daughters should die without Issue (save One), or the said *William Bourverie* should have but One Daughter, then to the Use of such only Daughter, and the Heirs of her Body; and in Default of such Issue, to all and every the Daughters of the said *Edward Bourverie*, lawfully to be begotten, to be equally divided between them, if more than One, Share and Share alike, as Tenants in common, and not as Joint-tenants, and to the Heirs of their respective Bodies, with Cross Remainders over, in case of the Death and Failure of Issue of any of the said Daughters, for the Benefit of the other and others of them, and the Heirs of their respective Bodies; and in Default of such Issue, unto *Ann Bourverie*, *Mary Bourverie*, *Charlotte Bourverie*, and *Harriett Bourverie*, the Daughters of the said *Jacob Lord Viscount Folkestone*, to be equally divided between them, Share and Share alike, to take as Tenants in common, and not as Joint-tenants, and to the Heirs of their respective Bodies, with such Cross Remainders as aforesaid; and in Default of such Issue, to *Bartholomew Clarke*, Son of *Joseph Clarke* of *Hardington*, in the County of *Northampton*, and to his Heirs and Assigns for ever: In which said Will is contained the like Power of leasing any Part of the Premises, so devised as aforesaid, as is herein before mentioned to be contained in the said Will of the said *Bartholomew Clarke*:

And whereas the said *Hitch Younge* died on or about the Thirtieth Day of *January* One thousand Seven hundred and Fifty-nine, and upon his Death, the said Manor or Lordship of *Cold Ashby*, and the Messuages, Lands, Tenements, and Hereditaments, in the Counties of *Surry* and *Northampton*, so devised as aforesaid, did, by virtue of and under the Limitations of his said Will, come unto, and are now vested in, the said *William Bourverie* for his Life, with such Remainders over as aforesaid:

And

And whereas the several Estates, Hereditaments, and Premises, given and devised by the Two Wills herein before recited or referred to respectively, are situate at a Distance, and remote One from the other, and consist partly of Lands lying dispersed in small Parcels, in common Fields or common Meadows, some of them of Houses and Buildings in a wasting Condition, and daily decreasing in Value; and as the Care, Inspection, and Management, of the said several Estates, and the collecting and receiving the Rents, Issues, and Profits thereof, is attended with great Trouble and Expence; and as there is a fair Prospect of selling and disposing thereof to great Advantage, the said *Mary Clarke* and *William Bouverie* do propose, and are willing and desirous that the said Estates and Premises should be sold, and the Money arising by such Sale laid out in the Purchase of Lands, Tenements, and Hereditaments, to be settled to and for the several Uses and Purposes limited and declared of the Premises comprised in the said Two Wills respectively, or so many of them as are now subsisting:

But although the carrying such Proposal into Execution would be greatly for the Advantage of the said *Mary Clarke*, *William Bouverie*, and *Edward Bouverie*, and other the Persons intitled under the said Wills respectively, **Yet** the same cannot be effected without the Aid and Authority of an Act of Parliament:

Therefore Your MAJESTY's most Dutiful and Loyal Subjects, the said *Mary Clarke*, *William Bouverie*, for himself and on behalf of his Infant Children, and the said *Edward Bouverie*;

Do most humbly beseech Your MAJESTY,

That it may be **Enacted; And be it Enacted**, by the King's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the said Messuages, Farms, Lands, Tenements, and Hereditaments, in the Parish of *Cookham*, or elsewhere in the County of *Berks*, and the said Messuage called the *Mitre Tavern* in *Fleet-street*, *London*, with the Passage through *Mitre-court*, and the Two Messuages or Tenements in the same Court, and the said Messuage lately known by the Name of the *Half-Moon Tavern*, and now by the Name of the *Lebeck's Head* in the *Strand*, in the County of *Middlesex*, so as aforesaid devised by the Will of the said *Bartolomew Clarke* as aforesaid, with their and every of their Rights, Members, and Appurtenances, and also all those several Parcels of Meadow Ground in the several Manors of *Godalming*, *Farncomb*, and *Catshull*, in the said County of *Surry*, commonly called *Godalming Common Meads*, and the said Manor or Lordship of *Cold Ashby* in the County of *Northampton*, with the Rights and Appurtenances thereof, and the Messuages, Farms, Lands, Tenements, and Hereditaments, in *Cold Ashby* aforesaid, and in *Elington*, in the said County of *Northampton*, so devised by the Will of the said *Hitch Younge* as aforesaid, with their and every of their Rights, Members, and Appurtenances, shall, from and after the Twenty-fifth Day of *March* One thousand Seven hundred and Sixty-one, be settled upon and vested in the Right Honourable

his *Anthony* Earl of *Shaftesbury* and the Right Honourable *Jacob* Lord Viscount *Folkestone*, their Heirs and Assigns, to the Use of them the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone*, their Heirs and Assigns for ever, freed and discharged, and absolutely acquitted, exempted, discharged, and exonerated, of, from, and against, all and every the Uses, Estates, Trusts, Powers, and Limitations, limited, created, and declared, of and concerning the same Premises, or any Parts or Parts thereof, in and by the said Wills respectively, or either of them; upon Trust, nevertheless, and to the Intent that they the said *Anthony* Earl of *Shaftesbury*, and *Jacob* Lord Viscount *Folkestone*, or the Survivor of them, or the Heirs of such Survivor, do and shall, with all convenient Speed, by and with the Consent and Approbation of such Person or Persons as, by virtue of this present Act, shall be intitled to the Perception of the Rents and Profits of the same Premises respectively, for the Time being, and if any such Person shall be under the Age of Twenty-one Years, then by and with the Consent and Approbation of the Guardian or Guardians of such Person (every such Consent to be signified in Writing under the Hand of the Person or Persons whose Consent is hereby required as aforesaid), sell and dispose of, and convey, the said Manor, Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, herein before vested or declared to be vested in them the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone* as aforesaid, or any Part or Parts thereof, and of the Fee-simple and Inheritance of the same Premises respectively, unto any Person or Persons who shall think fit to become Purchaser or Purchasers thereof respectively, for the best Price and Prices that they can reasonably get for the same; and do and shall lay out, apply, and dispose of, the Money arising by such Sale or Sales, in manner and for the Purposes herein after mentioned (that is to say), In the First Place, for paying and defraying the Costs, Charges, and Expenses, attending the obtaining and passing this present Act, and the Execution and Performance of the Trusts hereby vested and reposed in them the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone*, and their Heirs as aforesaid; and also upon Trust that they the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone*, or the Survivor of them, or his Heirs, do and shall, by and with such Consent and Approbation as aforesaid, lay out, apply, and dispose of, the Rest and Residue of the Money arising by such Sale or Sales, to be made by virtue and in pursuance of this Act, as well in the Purchase of the Reversion and Inheritance in Fee-simple of any Lands or Hereditaments, held by any Lease or Leases for One, Two, or Three, Life or Lives at the most, or for any Term or Number of Years, determinable on the Death of One, Two, or Three, Person or Persons at the most, or in the purchasing of any Lands, Tenements, or Hereditaments, in Fee-simple in Possession; and do and shall, by and with such Consent and Approbation as aforesaid, settle, convey, and assure, or cause to be settled, conveyed, and assured, the said Lands, Tenements, and Hereditaments, so to be purchased, in manner following; that is to say, As to such of the said Lands, Tenements, and Hereditaments, as shall be purchased with the Money arising by Sale of the Premises in the City of *London* and Counties of *Middlesex* and *Berks*, or any Part thereof, with their and every of their Appurtenances, to the

Use of the said *Mary Clarke* for her Life, with such Power to make Leases as is herein after mentioned, and after her Death, to, for, upon, and subject to, such Uses, Estates, Trusts, Powers, Charges, and Limitations, as the said Messuages, Lands, Tenements, and Hereditaments, do, by virtue of the Will of the said *Bartolomew Clarke*, herein before recited or referred to, now stand settled, limited, assured, and charged respectively, or such and so many of them as shall be then existing, undetermined, or capable of taking Effect; and as to such of the Lands, Tenements, and Hereditaments, to be purchased in pursuance of this Act, as shall be purchased with the Money arising by Sale of the Premises in the Counties of *Surry* and *Northampton*, or any Part thereof, with their and every of their Appurtenances, to the Use of the said *William Bourverie* for his Life, without Impediment of Waste, with Limitation to Trustees during his Life, in Trust to preserve the contingent Remainders; and such Power to make Leases as herein after mentioned; and after his Decease, to, for, upon, and subject to, such and so many of the Uses, Estates, Trusts, Powers, Provisoos, and Limitations, in and by the Will of the said *Hitch Younge* limited, created, and declared, of and concerning the Premises in the said Counties of *Surry* and *Northampton*, as shall be then existing, undetermined, or capable of taking Effect; and also upon Trust that they the said *Anthony Earl of Shaftesbury* and *Jacob Lord Viscount Folkestone*, or the Survivor of them, or the Heirs of such Survivor, in the mean time and until such Purchases shall be made, do and shall, by and with such Consent and Approbation as aforesaid, place out such Residue or Surplus of the Money arising by such Sale or Sales, as the same shall respectively come in and be received, upon the public Funds, or on Government or real Security or Securities, at Interest; and do and shall permit and suffer the Interest and Dividends, and yearly Proceed arising and produced from such Funds and Securities, to be had, received, and taken, by such Person and Persons as would, for the Time being, be intitled to receive the Rents and Profits of the said Manor, Lands, Hereditaments, and Premises, so to be purchased respectively, in case the same were purchased and settled pursuant to this Act.

And it is hereby further Enacted and Declared, That the said *Anthony Earl of Shaftesbury* and *Jacob Lord Viscount Folkestone*, or the Survivor of them, or the Heirs of such Survivor, do and shall permit and suffer the Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, vested and settled by this Act, in the mean time and until such Sale or Sales shall be made thereof as aforesaid, to be held and enjoyed, and the Rents, Issues, and Profits thereof, respectively, to be had, received, and taken, by such Person and Persons as would, for the Time being, be intitled to receive the same respectively, in case this Act had not been made.

And it is hereby further Enacted, That the Receipt or Receipts of the said *Anthony Earl of Shaftesbury* and *Jacob Lord Viscount Folkestone*, or the Survivor of them; or the Heirs of such Survivor, under their or his Hands or Hand respectively, shall from time to time effectually discharge the respective Purchaser or Purchasers of any Part of the Premises hereby directed to be sold respectively, of and from so much of the said Purchase-money for which such Receipt or Receipts shall be so given; and

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after such Receipt or Receipts, such Purchaser and Purchasers respectively shall be and are hereby absolutely acquitted and discharged of and from the same, and they or any of them, after such Receipt or Receipts, shall not be answerable or accountable for any Loss, Mis-application, or Non-application, of the said Purchase-money, or any Part thereof respectively.

And it is hereby further Enacted and Declared, That the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone*, shall not, nor shall either of them, or the Heirs, Executors, or Administrators, of either of them, be answerable or accountable for any Money to be received by reason of or under the Trusts hereby created and declared, any other-wise than each and every Person for such Sum or Sums of Money only as he or they shall respectively actually receive, and that no one of them shall be answerable or accountable for the Acts, Receipts, Neglects, or Defaults, of the other of them; and also that the said *Anthony* Earl of *Shaftesbury* and *Jacob* Lord Viscount *Folkestone*, and their respective Heirs, Executors, and Administrators, shall and may, out of the Money arising by Sale of the Premises hereby vested in them, which shall or may come to their or either of their Hands, Custody, or Power respectively, retain and re-imburse themselves all such Costs, Charges, Damages, and Expences, as they respectively shall or may bear, sustain, or be put unto, in and about the Execution of the Trusts hereby in them reposed, or any or either of the same.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said *Mary Clarke*, *William Bouverie*, and *Edward Bouverie* respectively, and all and every Person or Persons, who for the Time being shall be intitled unto and in Possession of any Lands, Tenements, and Hereditaments, to be purchased in pursuance and under the Authority of this Act, when and as they shall respectively be in the actual Possession thereof, by virtue of the Limitations directed to be made thereof as aforesaid (or if any such Person be an Infant under the Age of Twenty-one Years, then for the Guardian or Guardians of such Infant), by Deed or Deeds indented under his, her, or their Hand and Seal, or Hands and Seals respectively, to demise, lease, or grant, so much and such Part or Parts of the said Lands, Tenements, and Hereditaments, so to be purchased, as shall be then in Lease, or thencefore have been usually leased for Life or Lives, or Years, determinable on Deaths, unto any Person or Persons, for One, Two, or Three Life or Lives, or for any Term or Number of Years, determinable on the Death or Deaths of One, Two, or Three Person or Persons, in such respective Leases to be named, either in Possession or Reversion, or by way of future Interest; and also to grant or demise, by Copy of Court Roll, for Life or Lives, such Part and Parts of the Messuages, Farms, Lands, Tenements, and Hereditaments, so to be purchased, as is or are, or have been, accustomedly granted or demised, by Copy of Court-Roll, for Life or Lives, unto any Person or Persons, for One Life, or for Two or Three Lives; so as upon and by every such Lease, Demise, and Copyhold, or other Grant respectively, there to be reserved and made payable yearly, half yearly, or quarterly (as hath been usual), the antient and accustomed yearly Rents or greater yearly Rents for the same, and also the usual Herriots and Services, where Part only is or shall be leased or granted by virtue of this present Power; and so as there be not in any Part or Parcel of the same Premises,

mises, so to be demised, leased, or granted respectively, any greater Estate or Interest subsisting at any one Time, than what will wear out and be determinable upon the Death of Three Persons all then in being; so as in each of the said Leases there be contained a Clause or Condition of Re-entry, for Non-payment of the Rents and Rents thereby respectively to be reserved; so as no Clause be contained in any of the said Leases, exempting the said Lessee to commit Waste, or exempting him, her, or them from Liability for committing the same; and so as the respective Leases execute the several parts of all such Leases.

Enabling always to the KING's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, both natural and Corporate, his, her, and their Heirs and Successors, Executors and Administrators (Other than the said *Mary Clarke*, *William Bouverie*, and *Edward Bouverie*, and the several Sons and Daughters of the said *William Bouverie* and *Edward Bouverie*, and the Heirs Male of the Bodies of such Sons, and the Heirs of the Bodies of such Daughters, and the said *Ann Bouverie*, *Mary Bouverie*, *Harriott Bouverie*, and *Charlotte Bouverie* respectively, and the Heirs of their respective Bodies, and the right Heirs of the said *Bartholomew Clarke* and *Hitch Younge* the Testators, and the right Heirs of the said *Bartholomew Clarke* of *Hardington*); All such Estate, Right, Title, Interest, Claims, and Demands, of, in, to, or out of, the said Manor, Lands, Tenements, and Premises, hereby vested and directed to be sold, as they, every or any of them, had before the passing of this Act, or could or might have held and enjoyed, in case this Act had not been made.

And for other purposes the more effectually to be performed

An Act for the Sale of the Lands and Tenements in London, Middlesex, Surrey, Berkshire, and Northamptonshire, devised by the Will of Bartholomew Clarke and Hitch Younge, Esquires, and for Laying out the Money arising by such Sale in the Purchase of other Lands and Hereditaments, to be settled in lieu thereof, to the Uses of the said Will respectively.